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6 Attorneys for Defendants  
DANIEL PATRICK GORMAN  
7 FRAMEBIRD MEDIA  
CHARLIE SEVEN FILMS, LLC  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11

12 GREGORY SHADE,

13 Plaintiff,

14 vs.

15 DANIEL PATRICK GORMAN  
individually and doing business as  
16 CHARLIE SEVEN FILMS, LLC,  
FRAMEBIRD MEDIA, CHIP R.  
17 BEASLEY, and ANDREW ELLIS,

18 Defendants.  
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Case No. 08 CV 3471 (SI)

**DECLARATION OF DEEPAK GUPTA IN  
SUPPORT OF EX PARTE APPLICATION  
TO EXTEND TIME TO RESPOND TO  
THE COMPLAINT**

Judge: Hon. Susan Illston  
Dept: Courtroom 10, 19<sup>th</sup> Floor

1 I, Deepak Gupta, declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am an  
3 attorney at the law firm of Farella Braun & Martel LLP ("Farella"), counsel for Defendant Daniel  
4 Gorman, Framebird Media and Charlie Seven Films, LLC ("Gorman") in the above-captioned  
5 matter. I have personal knowledge of the matters stated herein, and if called to testify, could and  
6 would testify competently thereto.

7 2. Attached hereto as Exhibit A is a true and correct copy of the proof of service that  
8 was attached to the complaint and summons that was served on Daniel Gorman on July 26, 2008.

9 3. Counsel at Farella agreed to represent Defendant Gorman on a *pro bono* basis late  
10 last week and is still completing its review of the complaint. Counsel's initial review indicates  
11 possible grounds for a motion under Federal Rule of Civil Procedure 12. The current August 15,  
12 2008 due date would make it impossible to complete such a motion.

13 4. Defendant's counsel promptly contacted Plaintiff's counsel after agreeing to  
14 represent Gorman on August 6, 2008 asking for an extension of time. Plaintiff stated that he  
15 would check with his client, who was out of the country, to determine if an extension could be  
16 granted.

17 5. Defendant's counsel sent an email on August 8, 2008 reiterating the request for an  
18 extension and asking for agreement by August 11, 2008 at noon. Attached hereto as Exhibit B is  
19 a true and correct copy of that email.

20 6. Plaintiff's counsel responded asking if Defendants would be willing to answer  
21 instead of move to dismiss. Defendant's counsel stated it would not agree to answer, and was  
22 considering a motion to dismiss. Attached hereto as Exhibit C is a true and correct copy of  
23 Plaintiff's response and Defendant's response.

24 7. Defendant's counsel contacted Plaintiff's counsel after noon on August 11, 2008  
25 to ask if a decision on an extension had been reached. Plaintiff's counsel was unavailable. As of  
26 5:00 p.m. on August 11 Plaintiff had not yet replied regarding Defendant's requested extension.

27 8. In none of these exchanges did Plaintiff's counsel cite any prejudice from an  
28 extension.



## **EXHIBIT A**

1 STEVEN L. HAMMOND (State Bar No. 220521)

E-mail: *slh@hammondlawsf.com*

2 PETER J. PARISOT (State Bar No. 214622)

E-mail: *Parisot@hammondlawsf.com*

3 HAMMOND LAW

One Ferry Building, Suite 350

4 San Francisco, CA 94111

Telephone: (415) 955-1915

5 Facsimile: (415) 955-1976

6 Attorneys for Plaintiff

GREGORY SHADE

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 GREGORY SHADE,

12 Plaintiff,

13 v.

14 DANIEL PATRICK GORMAN, individually  
and doing business as CHARLIE SEVEN  
15 FILMS, LLC, FRAMEBIRD MEDIA, CHIP  
R. BEASLEY, and ANDREW ELLIS,

16 Defendants.

CASE NO. CV 08-03471 SI

CERTIFICATE OF SERVICE

Date: October 10, 2008

Time: 9:00 a.m.

Dept.: Courtroom 10

Judge: Hon. Susan Illston

Action Filed: July 18, 2008

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

I am employed in the county of aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 1482 Page Street, San Francisco, California 94117.

On July 26, 2008, I served the following documents attached hereto as **Exhibit A** on the interested party in this action by personally delivering a copy of each document listed to the individuals at the address listed below.

**Daniel Patrick Gorman**  
individually and doing business as  
Charlie Seven Films, LLC  
17265 Taylor Lane  
Occidental, CA 95465

**Framebird Media\***  
17265 Taylor Lane  
Occidental, CA 95465  
(\*Service accepted by Daniel Patrick Gorman.)

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 26, 2008, at San Francisco, California.

  
\_\_\_\_\_  
Felicia Carr

HAMMOND LAW  
ONE FERRY BUILDING, SUITE 350  
SAN FRANCISCO, CALIFORNIA 94111

**EXHIBIT A**

**LIST OF DOCUMENTS**

1. Summons
2. Complaint
3. ECF Registration Information Handout
4. Order Setting Initial Case Management Conference and ADR Guidelines
5. Chief Magistrate Judge James Larson Standing Orders
6. Standing Order for All Judges of the Northern District of California
7. Consenting to A Magistrate Judge's Jurisdiction in the Northern District of California
8. Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge
9. Reassignment Order
10. Judge Illston's Standing Order
11. Notice of Motion and Motion for Preliminary Injunction; Memorandum of Points and Authorities in Support Thereof
12. Declaration of Gregory Shade In Support of Motion for Preliminary Injunction
13. Exhibit E to Declaration of Gregory Shade In Support of Motion for Preliminary Injunction
14. Exhibit F to Declaration of Gregory Shade In Support of Motion for Preliminary Injunction
15. Amended Exhibit F to Declaration of Gregory Shade In Support of Motion for Preliminary Injunction
16. Proposed Order Granting Plaintiff's Motion for Preliminary Injunction

## **EXHIBIT B**



----- Original Message -----

From: Gupta, Deepak (22) x4419  
To: 'slh@hammondslawsf.com' <slh@hammondslawsf.com>  
Sent: Fri Aug 08 11:37:26 2008  
Subject: Extension to respond

Steve-

I just spoke with your secretary who said you are out today. She advised that email would be the best way to contact you.

We would like to know by Monday noon as to whether you will grant us a three week extension of time to respond. As I originally made our request for extension two days ago you will have had ample time to respond.

If we don't hear from you in the affirmative, we will have to go in ex parte and make this request of the judge directly, which will be inconvenient for her. As this is a standard professional courtesy that I have never been refused, I hope we can avoid the need for such ex parte motion practice.

Sincerely,  
Deepak

## **EXHIBIT C**

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**From:** Gupta, Deepak (22) x4419  
**To:** 'slh@hammondlawsf.com'  
**Sent:** Fri Aug 08 14:54:54 2008  
**Subject:** Re: Extension to respond

We are still reviewing the complaint, and therefore cannot commit to an answer. A motion is possible.

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**From:** Steven L. Hammond  
**To:** Gupta, Deepak (22) x4419  
**Sent:** Fri Aug 08 13:57:13 2008  
**Subject:** Re: Extension to respond

Deepak,

Mr. Shade has not yet authorized such an extension to respond. If Mr. Shade agrees to an extension, will Mr. Gorman agree file an answer as his response?

Thanks for the clarification.

Steve Hammond

Sent via BlackBerry by AT&T

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**From:** <DGupta@fbm.com>  
**Date:** Fri, 8 Aug 2008 11:37:26 -0700  
**To:** <slh@hammondlawsf.com>  
**Subject:** Extension to respond

Steve-

I just spoke with your secretary who said you are out today. She advised that email would be the best way to contact you.

We would like to know by Monday noon as to whether you will grant us a three week extension of time to respond. As I originally made our request for extension two days ago you will have had ample time to respond.

If we don't hear from you in the affirmative, we will have to go in ex parte and make this request of the judge directly, which will be inconvenient for her. As this is a standard professional courtesy that I have never been refused, I hope we can avoid the need for such ex parte motion practice.

Sincerely,  
Deepak

8/11/2008